



San Francisco Department of Public Health

Policy & Procedure Detail*

Policy & Procedure Title: Immigration Status and Interactions with Immigration Enforcement Agents Policy	
Category: Compliance	
Effective Date: February 1, 2017	Last Reissue/Revision Date: August 29, 2025
DPH Unit of Origin: Office of Compliance and Privacy Affairs	
Policy Contact - Employee Name and Title; and/or DPH Division: Office of Compliance and Privacy Affairs	
Contact Phone Number(s): 855-729-6040	
Distribution: DPH-wide <input checked="" type="checkbox"/>	If not DPH-wide, other distribution:

**All sections in table required.*

1. Purpose of Policy

The Department of Public (DPH) is dedicated to serving all those in need of care, without regard to immigration or insurance status. San Francisco is healthier when all residents, including undocumented immigrants, access public health programs that maintain health and prevent disease.

Under S.F. Administrative Codes 12H and 12I, together commonly referred to as “San Francisco’s Sanctuary City Ordinance”, City agencies and employees are generally prohibited from assisting in the enforcement of federal immigration laws. The City’s Sanctuary City Ordinance does not authorize or allow the City or its employees to prevent or obstruct federal immigration enforcement from happening. Nor does it allow or authorize City employees from hiding or shielding individuals from immigration enforcement efforts.

The purpose of this DPH Policy & Procedure Detail is to ensure that all DPH staff members are providing services in alignment with DPH’s mission and the Sanctuary City Ordinance, and to provide procedures that staff must use in interactions with patients and with immigration enforcement authorities who may come into a DPH facility (e.g. clinic, hospital, or other setting on City property), or who are encountered outside a DPH facility (e.g. client home).

2. Policy

The mission of DPH is to protect and promote the health of all San Franciscans. To work in alignment with this mission with respect to patients and clients, **DPH staff must:**

- A. Provide services to patients and clients regardless of immigration or documentation status.
- B. Comply with San Francisco’s Sanctuary City Ordinance, which generally prohibits the use of City funds or resources to assist in the enforcement of federal immigration law including with arrests and/or the gathering or dissemination of information regarding the release status or the personal or confidential information of an individual, unless it is mandated by federal or state law, warrant, or court decision.
- C. Review the San Francisco Department of Human Resources’ “Reminder about Sanctuary City Obligations,” dated January 19, 2017.
- D. Follow the procedures outlined in Section 3 below on how DPH employees must interact with federal immigration authorities. For more information, see the Memorandum from Deputy City Attorneys

The mission of the San Francisco Department of Public Health is to protect and promote the health of all San Franciscans.

We shall ~ Assess and research the health of the community ~ Develop and enforce health policy ~ Prevent disease and injury ~
~ Educate the public and train health care providers ~ Provide quality, comprehensive, culturally-proficient health services ~ Ensure equal access to all ~

Karun Tilak and Jana Clark to City Administrator Carmen Chu dated May 8, 2025 and entitled “Limits on U.S. Immigration and Customs Enforcement Search Authority,” provided as an attachment to this Policy and Procedure.

3. Procedures

The procedures listed below provide information on the appropriate response that DPH staff must take in situations involving contact with an immigration enforcement officer either on or outside a DPH site. For purposes of this policy and procedure, “immigration enforcement officer” refers to officials that attempt to enforce federal immigration laws. These usually include officers from U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP), as they are the federal agencies with primary responsibility for federal immigration law enforcement.

- A. **If any situation involving contact with an immigration enforcement officer occurs, you must immediately notify your site director/supervisor. The site director/supervisor must immediately contact division leadership and the Office of Compliance and Privacy Affairs at 855-729-6040. The Office of Compliance and Privacy Affairs and/or division leadership will then notify the Office of the Director of Health and contact the City Attorney’s Office.**

For situations involving contact with an immigration enforcement officer on a DPH site, and the officer does not provide identification and does not have appropriate documentation for accessing the site (see Section 3.B.7, below), follow the on-site security protocols and contact security immediately. If site does not have security protocols, call 911.

Outside of normal business hours, report the situation to the following individuals:

- Site director/supervisor and division leadership,
- Office of the Director of Health, Daniel Tsai: daniel.tsai@sfdph.org and Naveena Bobba: naveena.bobba@sfdph.org, and
- Interim Director of Compliance and Privacy Affairs, Garrett Chatfield: garrett.chatfield@sfdph.org

To connect people affected by immigration enforcement activities with legal and support services, you can also contact the San Francisco 24-hour Rapid Response hotline at 415-200-1548.

If at any time you are unclear about appropriate procedures, have questions, or need advice on handling a specific situation, **contact the Office of Compliance and Privacy Affairs at 855-729-6040.**

- B. **Encounters on DPH Sites:** The following provides general guidance that DPH staff must follow if an immigration enforcement officer comes to a DPH site (adapted from 2024 [guidance](#) provided by CA Attorney General):
- (1) Advise the officer that before proceeding with the officer’s request, you must first notify and receive direction from your site director/supervisor.
 - (2) Ask to see, and make a copy of or note, the officer’s credentials (name and badge number). Also ask for and copy or note the telephone number of the officer’s supervisor.
 - (3) Ask the officer to explain the purpose of the officer’s visit and note the response.
 - (4) Ask the officer to produce any documentation that authorizes site access.
 - (5) Make copies of all documents provided by the officer.

- (6) You are not required to answer questions posed by the officer and you may instead direct the officer to speak to your site director/supervisor.
- (7) Review the documentation provided by the officer (if any). The appropriate response (described below) will depend on the type of documentation provided. **Specifically, if the officer has a federal judicial warrant, prompt compliance is usually required. For all other documents, including an ICE administrative “warrant”, subpoena, or notice to appear, immediate compliance is *not* required. In each of these situations, immediately notify your site director/supervisor who will contact division leadership and the Office of Compliance and Privacy Affairs. The Office of Compliance and Privacy Affairs and/or division leadership will then notify the Office of the Director of Health and contact the City Attorney’s Office. See below for more information regarding each type of document.**
- i. A **federal judicial warrant** (issued by “District Court Judge,” “Magistrate Judge” or “U.S. District Court”): These types of warrants are typically used to search property. Prompt compliance usually is required. A valid judicial search warrant allows immigration enforcement officer to conduct any search authorized by the warrant. **A valid judicial arrest warrant allows ICE agents to arrest the person named. If possible, you must immediately notify your director/supervisor and the City Attorney’s Office before complying with the warrant.**
 - ii. An **ICE administrative “warrant”** (issued by Department of Homeland Security, “immigration officer,” “immigration judge” or “administrative law judge”): Immigration enforcement officers typically use this kind of warrant to arrest the specific person named in the warrant.
 - An administrative warrant does not allow entrance to a non-public area.
 - An administrative warrant does not allow immigration enforcement officers to search anything, including City records, that they could not have otherwise searched. **You must tell immigration enforcement officer(s) that you do not consent to the officer’s presence in non-public areas of City property**, including to arrest someone or conduct a search, based only on an administrative warrant. You may ask them to leave non-public areas.
 - If immigration enforcement officers are looking for a particular person, you do not need to tell them anything about the person they are looking for.
 - You do not need to help immigration enforcement officers find the person they are looking for.
 - You may inform them that you will not give them any information.
 - If you get a copy of the document, give it to your director/supervisor as soon as possible.
 - iii. A **subpoena** for the production of documents or other evidence: Most City employees are not authorized to accept subpoenas issued to the City and County of San Francisco, or to decide whether to comply with those subpoenas. You do not need to comply with an ICE subpoena on the spot, and you cannot be punished for refusing to comply. A subpoena also does not authorize immigration enforcement officers to access non-public areas or search facility records without consent, and you are not obliged to provide any information to the officer about a person they are looking for. You may use the responses described above for an administrative warrant. If you are provided a copy of the subpoena, give it to your director/supervisor as soon as possible.

- iv. A **notice to appear**: This is a charging document issued by ICE, CBP, or U.S. Citizenship and Immigration Services (USCIS) seeking to commence formal removal proceedings against an individual before an immigration court. This document is not directed at the site, and does not authorize immigration enforcement officers to access non-public areas or search facility records without consent. There is no obligation to deliver this document or facilitate service to the person named in the document or provide any information to the officer about the person. You may use the responses described above for an administrative warrant. If you get a copy of the document, give it to your director/supervisor as soon as possible.
 - v. **No warrant**: If agents ask for permission to enter or search a non-public area **without a warrant then you are not allowed to consent to admit immigration enforcement officers into non-public areas for any purpose, including to arrest someone or conduct a search.** You must tell the officers that you cannot consent to any search of non-public portions of City property. You should immediately notify your site director/supervisor.
- (8) **NO PHYSICAL INTERFERENCE WITH OFFICER**: If immigration enforcement officers continue to demand access to non-public areas or records even where City employees are not required to provide access as outlined above, **please do not physically interfere with the agents**, even if the agents appear to be acting without consent or appear to be exceeding the purported authority given by a warrant or other document.
- You may inform the officers that “I do not consent. But because I have no other choice at this time, I will not interfere with your order.” You must immediately notify your site director/supervisor and follow on-site security protocols. If site does not have security protocols, call 911.
- (9) Document the officer’s actions while on site premises in as much detail as possible (if safe to do so), or as soon as possible after staff leave. Do not interfere with the officer’s movements.
- (10) Complete an incident report following the procedures and/or policies for your respective division (e.g., ZSFG staff follow *Adverse/Safety Event Reporting & Incident Management*, LHH staff follow *Unusual Occurrences*, etc.) that includes the information gathered as described above and the officer’s statements and actions.
- C. **Encounters outside of DPH Sites**: The following provides general guidance that DPH staff must follow if they encounter an immigration enforcement officer outside of a DPH site during work hours.
- (1) If any situation involving contact with an immigration enforcement officer occurs, you must immediately notify your supervisor.
 - (2) You are not required to answer questions posed by the officer. If the officers ask you what you are doing at the patient/client’s home or at a particular location, you can identify yourself as a City employee, explain your purpose for being there, and ask the officer to produce credentials.
 - (3) You may not provide patients with advice about their legal rights or assert a patient/client’s legal rights on their behalf.
 - (4) To the extent possible, document the officer’s actions, but without interfering with the officer’s movements (documenting can include only taking written notes). Note that if you are in a patient/client’s home, you cannot record using an audio/visual device without the permission of the property owner/resident.

- (5) Do not physically interfere with the agents, even if the agents appear to be acting without consent or appear to be exceeding the purported authority given by a warrant or other document.
 - (6) Complete an incident report following the procedures and/or policies for your respective division (e.g., ZSFG staff follow Adverse/Safety Event Reporting & Incident Management, LHH staff follow Unusual Occurrences, etc.) that includes the information gathered as described above and the officer's statements and actions.
- D. The Department of Human Resources has issued a memorandum titled "Employee Responsibilities Under San Francisco Administrative Code 12H and 12I (the "Sanctuary Ordinance")", dated February 6, 2025, that states "[a]s long as City employees are acting within the course and scope of their employment and complying with the City's Sanctuary Ordinance, the City will defend employees in the event that the federal government brings civil or criminal legal action against them."
- E. You should not provide patients advice about their legal rights. Instead you may provide resources when on a DPH site, such as:
- The San Francisco Immigration Forum maintains a list of resources for individuals seeking immigration legal help: www.sf.gov/departments/immigrant-services-and-resources
 - The Bar Association of San Francisco also has an [Immigration Legal Defense Program](http://www.sfbar.org/jdc/immigrant-legal-defense/) to connect individuals with immigration attorneys: www.sfbar.org/jdc/immigrant-legal-defense/
 - San Francisco Office of Civic Engagement and Immigrant Affairs: immigrants.sf.gov

4. References/Attachments

- Quick Reference Guide for this Policy & Procedure Detail
- San Francisco Sanctuary City Ordinance (Administrative Code Chapter 12H): www.sfgov.org/ccsfgsa/sites/default/files/OCEIA/Documents/SF%20Admin%20Code%2012H-12I.pdf
- Memorandum: Reminder about Sanctuary City Obligations – January 19, 2017: <https://sfdhr.org/sites/default/files/documents/Forms-Documents/Sanctuary-City-Reminder.pdf>
- Memorandum: Limits on U.S. Immigration and Customs Enforcement Search Authority – May 8, 2025
- Example Judicial Warrants, Administrative Warrants, Subpoenas, and NTA (Attachments A-D).
- The City's Sanctuary City Ordinance website: www.sf.gov/information/sanctuary-city-ordinance
- California Attorney General Guidance Document: *Promoting Safe and Secure Healthcare Access for All Guidance and Model Policies to Assist California's Healthcare Facilities in Responding to Immigration Issues*. <https://oag.ca.gov/sites/all/files/agweb/pdfs/immigration/healthcare-guidance.pdf> (December 2024)
- Memorandum: Employee Responsibilities Under San Francisco Administrative Code 12H and 12I - February 6, 2025: <https://sfgov1.sharepoint.com/sites/ADM-OCEIA-IRP/SiteAssets/SitePages/Relevant-City-Policies/DHR-Sanctuary-City-Memo-2.6.2025.pdf>



San Francisco Department of Public Health

Director of Health

Quick Guide: *Immigration Status and Interaction with Immigration and Customs Enforcement Agents*

1. Policy

DPH staff must:

- A. Provide services to patients and clients regardless of immigration or documentation status,
- B. Comply with San Francisco's Sanctuary City Ordinance (S.F. Admin Code 12H and 12I), and
- C. Review and follow the procedures outlined below on interactions with federal immigration authorities.

2. Procedures

- A. In any situations involving immigration enforcement officers occur, you must immediately notify your site director/supervisor. The site director/supervisor must immediately contact division leadership and the Office of Compliance and Privacy Affairs at 855-729-6040. The Office of Compliance and Privacy Affairs and/or division leadership will then notify the Office of the Director of Health and contact the City Attorney's Office.

For situations involving contact with an immigration enforcement officer on a DPH site, and the officer does not provide identification and does not have appropriate documentation for accessing the site, follow the on-site security protocols and contact security immediately. If site does not have security protocols, call 911.

Outside of normal business hours, immediately report the situation to:

- Site director/supervisor and division leadership,
- Office of the Director of Health, Daniel Tsai: daniel.tsai@sfdph.org and Naveena Bobba: naveena.bobba@sfdph.org, and
- Interim Director of Compliance and Privacy Affairs, Garrett Chatfield: garrett.chatfield@sfdph.org

To connect people affected by immigration enforcement activities with legal and support services, you can also contact the San Francisco 24-hour Rapid Response hotline at 415-200-1548.

If you have questions, **contact the Office of Compliance and Privacy Affairs at 855-729-6040.**

- B. **Encounters on DPH Sites:** The following provides general guidance that DPH staff must follow if an immigration enforcement officer comes to a DPH site (adapted from 2024 [guidance](#) provided by CA Attorney General):
 - (1) Advise the officer that before proceeding with the officer's request, you must first notify and receive direction from your site director/supervisor.
 - (2) Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for and copy or note the telephone number of the officer's supervisor.
 - (3) Ask the officer to explain the purpose of the officer's visit and note the response.
 - (4) Ask the officer to produce any documentation that authorizes site access.
 - (5) Make copies of all documents provided by the officer.
 - (6) You are not required to answer questions posed by the officer and you may instead direct the officer to speak to your site director/supervisor.
 - (7) Review the documentation provided by the officer (if any) and respond according to the requirements of the documentation. In each of these situations, **immediately notify your**

site director/supervisor who will contact division leadership and the Office of Compliance and Privacy Affairs. The Office of Compliance and Privacy Affairs and/or division leadership will then notify the Office of the Director of Health and contact the City Attorney's Office.

- a. If the officer has a **federal judicial warrant** (issued by "District Court Judge," "Magistrate Judge" or "U.S. District Court"): prompt compliance usually is required. A valid judicial arrest warrant allows ICE agents to arrest the person named. If possible, you must immediately notify your director/supervisor and the City Attorney's Office before complying with the warrant.
 - b. If the officer shows you an **ICE administrative "warrant", subpoena, or notice to appear**, immediate compliance is *not* required. None of these documents require that you give immigration enforcement officers access to non-public areas or facility records, or that you provide immigration enforcement officers with information about any person they are looking for. **You must tell immigration enforcement officer(s) that you do not consent to the officer's presence in non-public areas of City property, including to arrest someone or conduct a search, based only on an administrative warrant.** You may ask them to leave non-public areas.
 - c. If you get a copy of the document, give it to your director/supervisor as soon as possible.
 - d. If immigration enforcement officers ask for permission to enter or search a non-public area **without a warrant**, then you are not allowed to consent to admit immigration enforcement officers into non-public areas for any purpose, including to arrest someone or conduct a search. You must tell the officers that you cannot consent to any search of non-public portions of City property.
- (8) **NO PHYSICAL INTERFERENCE WITH OFFICER:** If immigration enforcement officers continue to demand access to non-public areas or records even where City employees are not required to provide access as outlined above, **please do not physically interfere with the agents**, even if the agents appear to be acting without consent or appear to be exceeding the purported authority given by a warrant or other document.
- You may inform the officers that "I do not consent. But because I have no other choice at this time, I will not interfere with your order." You must immediately notify your site director/supervisor and follow on-site security protocols. If site does not have security protocols, call 911.
- (9) Document the officer's actions while at the facility (if safe to do so), or as soon as possible after staff leave.
 - (10) Complete an incident report following the procedures and/or policies for your respective division that includes the information gathered and the officer's statements and actions.
- C. **Encounters outside of DPH Sites:** The following provides general guidance that DPH staff must follow if they encounter an immigration enforcement officer outside of a DPH site during work hours.
- (1) If any situation involving contact with an immigration enforcement officer occurs, you must immediately notify your supervisor.
 - (2) You are not required to answer questions posed by the officer. If the officers ask you what you are doing at the patient/client's home or at a particular location, you can identify yourself as a City employee, explain your purpose for being there, and ask the officer to produce credentials.

- (3) You may not provide patients with advice about their legal rights or assert a patient/client's legal rights on their behalf.
 - (4) To the extent possible, document the officer's actions, but without interfering with the officer's movements (documenting can include only taking written notes). Note that if you are in a patient/client's home, you cannot record using an audio/visual device without the permission of the property owner/resident.
 - (5) Do not physically interfere with the agents, even if the agents appear to be acting without consent or appear to be exceeding the purported authority given by a warrant or other document.
 - (6) Complete an incident report following the procedures and/or policies for your respective division (e.g., ZSFG staff follow Adverse/Safety Event Reporting & Incident Management, LHH staff follow Unusual Occurrences, etc.) that includes the information gathered as described above and the officer's statements and actions.
- D. The Department of Human Resources has issued a memorandum titled "Employee Responsibilities Under San Francisco Administrative Code 12H and 12I (the "Sanctuary Ordinance")", dated February 6, 2025, that states "[a]s long as City employees are acting within the course and scope of their employment and complying with the City's Sanctuary Ordinance, the City will defend employees in the event that the federal government brings civil or criminal legal action against them."
- E. You should not provide patients advice about their legal rights. Instead you may provide resources when on a DPH site, such as:
- The San Francisco Immigration Forum maintains a list of resources for individuals seeking immigration legal help: www.sf.gov/departments/immigrant-services-and-resources
 - The Bar Association of San Francisco also has an [Immigration Legal Defense Program](http://www.sfbabar.org/jdc/immigrant-legal-defense/) to connect individuals with immigration attorneys: www.sfbabar.org/jdc/immigrant-legal-defense/
 - San Francisco Office of Civic Engagement and Immigrant Affairs: immigrants.sf.gov





DAVID CHIU
City Attorney

KARUN TILAK
Deputy City Attorney

Direct Dial: (415) 355-3308
Email: karun.tilak@sfcityatty.org

MEMORANDUM

TO: Carmen Chu, City Administrator

FROM: Karun Tilak 
Jana Clark 
Deputy City Attorneys

CC: Jennifer Johnston, Deputy City Administrator
Jorge Rivas, Executive Director, Office of Civic Engagement & Immigrant Affairs

DATE: May 8, 2025

RE: Limits on U.S. Immigration and Customs Enforcement Search Authority

NOTE: The City Attorney's Office issued a prior version of this memorandum on January 16, 2025. We are issuing this revised version to provide updated guidance regarding requirements under state law (Gov. Code sections 7285.1-7285.2). Specifically, state law requires that employers, including the City, must not voluntarily consent to allow immigration enforcement authorities to access non-public areas of City facilities unless they present a judicial warrant. As such, City employees *must not* voluntarily consent to immigration agents accessing non-public areas without a judicial warrant.

In this memorandum, we provide written public guidance regarding legal limits on the authority of U.S. Immigration and Customs Enforcement (ICE) and other federal immigration enforcement agencies to request information or conduct searches in San Francisco, including on City property. ICE agents are most frequently responsible for federal immigration law enforcement, but other federal agencies may also attempt to enforce immigration laws. The guidance in this memorandum refers only to ICE but applies as well as to any other federal agencies attempting to enforce immigration laws.

City employees should immediately notify appropriate department staff designated by their department (e.g., a supervisor) if ICE agents contact employees while they are performing their official duties, or if employees become aware that ICE agents are seeking to access City records or to come onto City property. Employees or their supervisors should also immediately notify the general counsel for their department in the City Attorney's Office. Individuals and organizations that receive City funding but are not part of City government should ensure that they comply with their agreements with the City, and should rely on their own counsel for legal advice.

Under the City's longstanding Sanctuary policies, codified in Administrative Code Chapters 12H and 12I, City agencies and employees are generally prohibited from using City

MEMORANDUM

TO: Carmen Chu, City Administrator
DATE: May 8, 2025
PAGE: 2
RE: Limits on U.S. Immigration and Customs Enforcement Search Authority

funds or resources to assist ICE in enforcing federal immigration laws. There are very limited exceptions to this general prohibition. These City policies mean that City employees generally cannot participate in investigations, surveillance, and arrests conducted by ICE to enforce civil immigration laws, cannot share an individual's personal information (e.g., home or work contact information or emergency contacts) with ICE, and cannot collect immigration status information or condition benefits on immigration status except where otherwise required by law. But, as required by federal law, City employees are not prohibited from sharing information about an individual's immigration status with federal immigration officials.

The purpose of these policies is to ensure that all residents trust City government, cooperate with City institutions, and participate in City programs that promote the public health, safety, and welfare. For example, the City needs crime victims and witnesses to cooperate with the Police Department, to make San Francisco's streets safe. The City needs parents to send their children to school, to keep San Francisco's economy strong. And the City needs people to seek medical care, to prevent the spread of disease. For these reasons, and others like them, the City needs all City residents to know they can access City services without fear of federal immigration consequences.

The City's Sanctuary policies do not mean that the City can prevent federal immigration enforcement from happening in San Francisco. The City's Sanctuary policies also do not prohibit individual employees from choosing to share immigration status information with the federal government, and nothing in this memorandum should be interpreted to suggest otherwise. Instead, the Sanctuary policies provide specific restrictions on how City agencies and employees may interact with federal immigration authorities. Consistent with those policies, state law, and federal law, which does not allow the federal government to coerce local governments into performing immigration enforcement, we offer this guidance about City employees' interaction with ICE agents on City property.

- **Whenever you encounter ICE agents:**
 - Except in the limited circumstances below where ICE agents have a valid subpoena or a warrant issued by a federal judge or federal magistrate, City employees are not required to cooperate with the agents.
 - City employees are not required to show ICE agents personal identification of any kind, including documents that prove citizenship or immigration status.
 - City employees are not required to answer ICE agents' questions.
 - City employees are not required to speak with ICE agents at all.
 - City employees may tell ICE agents that they choose not to speak with them or direct them to a supervisor, and then say nothing else.

MEMORANDUM

TO: Carmen Chu, City Administrator
DATE: May 8, 2025
PAGE: 3
RE: Limits on U.S. Immigration and Customs Enforcement Search Authority

- City employees must not voluntarily consent to give ICE agents access to non-public areas, and must not give ICE access to employee records or any individual's personal information, except in limited circumstances discussed below.
- As previously mentioned, City employees should immediately notify their supervisor if ICE agents contact employees while they are performing their official duties, or if employees become aware that ICE agents are seeking access to City records or other City property. Employees or their supervisors should also immediately call the general counsel for their department in the City Attorney's Office.
- **If ICE agents have no warrant:**
 - No federal law requires City employees to admit ICE agents into non-public areas for any purpose, including to arrest someone or conduct a search, without a warrant.
 - City employees must not voluntarily consent to give ICE agents access to non-public areas if they do not have a warrant. City employees must also not give ICE agents access to employee records or any individual's personal information.
 - City employees must tell ICE agents that they do not consent to the agents' presence in non-public areas of City property. But as discussed further below, City employees must not physically interfere with ICE agents. .
 - City employees should tell ICE that they cannot consent to any search of City property without those employees first separately consulting the City Attorney's Office.
 - City employees do not need to help ICE agents find the person they are looking for or give them any information.
- **If ICE agents have a document they call a warrant:**
 - ICE agents may present a piece of paper and say that they have a warrant. But ICE often uses the word "warrant" to refer to different kinds of legal documents.
 - Sometimes ICE uses warrants issued by federal judges or federal magistrates.
 - Sometimes ICE uses warrants issued by administrative officials called "immigration judges" or "administrative law judges."
 - Each kind of warrant has different legal consequences. See below for additional guidance on how to determine the type of warrant at issue and the appropriate

MEMORANDUM

TO: Carmen Chu, City Administrator
DATE: May 8, 2025
PAGE: 4
RE: Limits on U.S. Immigration and Customs Enforcement Search Authority

responses. Examples of judicial and administrative warrants are included in Attachments A and B.

- City employees presented with a warrant during the course of their official duties should immediately notify their supervisors and the department's general counsel in the City Attorney's Office.
- ICE agents may also present documents called "subpoenas" and "notices to appear." See below for additional guidance on these documents. Example subpoenas and notices to appear are included in Attachments C and D.
- **Was the warrant issued by a federal judge, or was it issued by an administrative official?**
 - Was the warrant issued by a "District Judge" or "Magistrate Judge" in a court called a "U.S. District Court"? If so, the warrant was issued by a federal judge. Please see Attachment A for examples of judicial warrants.
 - Was the warrant issued by anyone *other than* a "District Judge" or "Magistrate Judge" in an institution called anything *other than* a "U.S. District Court"? If so, the warrant is an "administrative warrant" issued by an administrative official. For example, administrative warrants may be issued by the Department of Homeland Security, an immigration judge, or immigration officer. "Immigration judges" and "administrative law judges" are NOT federal judges. They are administrative officials. Please see Attachment B for examples of administrative warrants.
 - Whenever possible, City employees should consult their department's general counsel in the City Attorney's Office in advance to determine whether a warrant was issued by a federal judge or an administrative official.
- **If ICE agents have a warrant issued by an administrative official:**
 - ICE typically uses this kind of warrant to arrest the specific person named in the warrant.
 - An administrative official's arrest warrant does not allow ICE agents to enter any area that they could not have otherwise entered.
 - An administrative official's arrest warrant does not allow ICE agents to search anything, including City records, that they could not have otherwise searched.
 - As with the situation where ICE has no warrant (described above), no federal law requires City employees to admit ICE agents into non-public areas for any purpose, including to arrest someone or conduct a search, based only on an administrative warrant.,.

MEMORANDUM

TO: Carmen Chu, City Administrator
DATE: May 8, 2025
PAGE: 5
RE: Limits on U.S. Immigration and Customs Enforcement Search Authority

- City employees must not voluntarily consent to give ICE agents access to non-public areas based on an administrative warrant. City employees must also not give ICE agents access to employee records or any individual's personal information.
- If ICE agents are looking for a particular person, City employees do not need to tell ICE agents anything about the person they are looking for.
- City employees do not need to help ICE agents find the person they are looking for.
- City employees may inform ICE agents that they will not give them any information.
- City employees must tell ICE agents that they do not consent to the agents' presence in non-public areas of City property. But as discussed further below, City employees must not physically interfere with ICE agents.
- **If ICE agents have a warrant issued by a federal judge:**
 - ICE typically uses this kind of warrant to search property, although they may also obtain judicial warrants to arrest individuals.
 - A valid judicial search warrant allows ICE agents to conduct any search authorized by the warrant. A valid judicial arrest warrant allows ICE agents to arrest the person named.
 - City employees and officials should comply with the warrant.
 - If the warrant is invalid, or there are other problems with the search, it may be possible for the City to challenge the search later in court or through other appropriate processes.
- **If ICE agents have a document called a subpoena:**
 - A subpoena is a document that requests the City or a City department or employee to produce documents or other evidence. ICE has the power to issue subpoenas. Please see Attachment C for example subpoenas.
 - City employees do not need to comply with an ICE subpoena right then, on the spot.
 - City employees cannot be punished for refusing to comply with an ICE subpoena until after the City has had the opportunity to challenge it in court.

MEMORANDUM

TO: Carmen Chu, City Administrator
DATE: May 8, 2025
PAGE: 6
RE: Limits on U.S. Immigration and Customs Enforcement Search Authority

- **If ICE agents try to serve a subpoena on the City:**
 - Most City employees are not authorized to accept subpoenas issued to the City and County of San Francisco, or to decide whether to comply with those subpoenas.
 - City employees presented with subpoenas should immediately call their supervisor and their department's general counsel in the City Attorney's Office.
- **If ICE agents have a document called a Notice to Appear ("NTA")**
 - A notice to appear is a charging document issued by ICE, Customs and Border Patrol (CBP), or the United States Customs and Immigration Service (USCIS) seeking to commence formal removal proceedings against an individual before an immigration court. Please see Attachment D for an example NTA.
 - An NTA does not allow ICE agents to enter any area that they could not have otherwise entered.
 - An NTA does not allow ICE agents to search anything, including, but not limited to, City records, that they could not have otherwise searched.
 - No federal law requires City employees to admit ICE agents into non-public areas for any purpose, including to arrest someone or conduct a search, based only on an NTA.
 - City employees must not voluntarily consent to give ICE agents access to non-public areas based on an NTA. City employees must also not give ICE access to employee records or any individual's personal information.
 - City employees do not need to help ICE agents find the person they are looking for.
 - City employees may inform ICE agents that they will not give them any information.
- **If ICE agents present a Notice of Inspection:**
 - A Notice of Inspection is a document that allows immigration authorities to inspect an employer's Form I-9 Employment Eligibility Verification forms for employees.
 - City employees do not have to immediately permit inspection of employee records in response to a Notice of Inspection. The City has at least three business days to comply with a Notice of Inspection, and may request additional time if needed. City employees presented with a Notice must immediately call their supervisor and their department's general counsel in the City Attorney's Office.

MEMORANDUM

TO: Carmen Chu, City Administrator
DATE: May 8, 2025
PAGE: 7
RE: Limits on U.S. Immigration and Customs Enforcement Search Authority

- **If ICE agents do not cooperate with the requests of a City employee:**
 - If ICE agents continue to demand access to non-public areas or records even where City employees are not required to provide access as outlined above, please do not physically interfere with the agents, even if the agents appear to be acting without consent or appear to be exceeding the purported authority given by a warrant or other document. City employees may inform the ICE agent that “I do not consent. But because I have no other choice at this time, I will not interfere with your order.” They must immediately notify appropriate department staff and the department liaison in the City Attorney’s Office. They must also carefully document the agents’ actions while they are at the facility (if safe to do so), or as soon as possible after the agents leave.

Please contact your department’s general counsel in the City Attorney’s Office if you have any questions about the above guidance.

ATTACHMENT A

Example Judicial Warrants

AO 95 (Rev. 11/15) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

)
)
)
)
)
)
)

Case No. _____

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(Identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish(es) probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

YOU ARE COMMANDED to execute this warrant on or before _____ (not to exceed 14 days)

☐ in the daytime (6:00 a.m. to 10:00 p.m.) ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____

(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____

Date and time issued: _____

Judge's signature

City and state: _____

Printed name and title

for the

Case No.

Deployment

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) _____
who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☒ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Date: _____

 Leaving officer's signature

City and state: _____

Printed name and title

References

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Advertising officer's signature

ATTACHMENT B
Example Administrative Warrants

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____
is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

DEPARTMENT OF HOMELAND SECURITY U.S. Immigration and Customs Enforcement WARRANT OF REMOVAL/DEPORTATION		
		File No: _____
		Date: _____
To any immigration officer of the United States Department of Homeland Security:		

(Full name of alien)		
who entered the United States at _____	on _____	
(Place of entry)	(Date of entry)	
is subject to removal/deportation from the United States, based upon a final order by:		
<input type="checkbox"/> an immigration judge in exclusion, deportation, or removal proceedings		
<input type="checkbox"/> a designated official		
<input type="checkbox"/> the Board of Immigration Appeals		
<input type="checkbox"/> a United States District or Magistrate Court Judge		
and pursuant to the following provisions of the Immigration and Nationality Act:		
I, the undersigned officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States, and by his or her direction, command you to take into custody and remove from the United States the above-named alien pursuant to law, at the expense of:		

(Signature of immigration officer)		

(Title of immigration officer)		

(Date and office location)		

ATTACHMENT C

Example Subpoenas

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY IMMIGRATION ENFORCEMENT SUBPOENA to Appear and/or Produce Records 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To	
(Title of Proceeding)	
(File Number, if Applicable)	

By the service of this subpoena upon you, **YOU ARE HEREBY SUMMONED AND REQUIRED TO:**

- (A) ☐ **APPEAR** before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.
- (B) ☒ **PRODUCE** the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE or USCIS Official before whom you are required to appear	(B) Date
Name	
Title	
Address	(C) Time <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Telephone Number	

4. Records required to be produced for inspection



If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

5. Authorized Official
(Signature)
(Printed Name)
(Title)
(Date)

for the

3

Civil Action No.

Discussion

Tax

(Please attach the following documents to the application form)

☐ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Play

Rate and Time

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's Signature

*The name, address, e-mail address, and telephone number of the attorney representing (name of party)

who issues or requests this subpoena, are

Notice to the person who issues or requests this subpoena:

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(c)(4).

ATTACHMENT D
Example Notice to Appear

U.S. Department of Homeland Security	Notice to Appear
In removal proceedings under section 240 of the Immigration and Nationality Act	
File No: _____	
In the Matter of:	
Respondent: _____, currently residing at: _____	
<small>(Number, street, city, state and ZIP code)</small>	<small>(Area code and phone number)</small>
<input type="checkbox"/> 1. You are an arriving alien. <input type="checkbox"/> 2. You are an alien present in the United States who has not been admitted or paroled. <input type="checkbox"/> 3. You have been admitted to the United States, but are deportable for the reasons stated below:	
The Department of Homeland Security alleges that you:	
SAMPLE	
On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:	
<input type="checkbox"/> This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.	
<input type="checkbox"/> Section 235(b)(1) order was vacated pursuant to : <input type="checkbox"/> 8 CFR 208.30(f)(2) <input type="checkbox"/> 8 CFR 235.3(b)(5)(iv)	
YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at: _____	
<small>(Complete Address of Immigration Court, including Room Number, if any)</small>	
on _____ <small>(Date)</small>	at _____ <small>(Time)</small>
to show why you should not be removed from the United States based on the charge(s) set forth above.	
_____ <small>(Signature and Title of Issuing Officer)</small>	
Date: _____	_____ <small>(City and State)</small>
See reverse for important information	
<small>Form I-862 (Rev. 08/01/07)</small>	